

Notice of Allowability

Application No.

10/628,890

Examiner

Yaritza Guadalupe McCall

Applicant(s)

BIEGANEK ET AL.

Art Unit

2859

8m

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed August 9, 2005.
2. ☒ The allowed claim(s) is/are 2,4-12 and 14-47.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/3/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

In response to Amendment After Final filed August 9, 2005

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:
 - a. Claims 9, 30, and 36 - 39 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of evaluating the clearance by attempting to collapse the impression foam to a greater extent than the impression foam was collapsed by sitting the person on the cushion with the anatomical portion adjacent to the support contour in combination with the remaining limitations of the claims.
 - b. Claims 10, 31, and 40 - 43 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of evaluating the clearance by forming a hole through the impression foam at a location where the impression foam was collapsed by

sitting the person on the cushion with the anatomical portion adjacent to the support contour in combination with the remaining limitations of the claims.

c. Claims 4 – 8, 11, and 32 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of enclosing the piece of impression foam within a flexible plastic envelope prior to locating the clearance measurement device on the support contour at the predetermined location where the clearance is to be evaluated in combination with the remaining limitations of the claims.

d. Claims 14 – 18 and 33 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of measuring an initial thickness of the putty-like substance prior to locating the putty-like substance on the support contour at the predetermined location where the clearance is to be evaluated and prior to sitting the person on the cushion with the anatomical portion adjacent to the support contour, forming a hole through the putty-like substance at a location corresponding to the predetermined location where the clearance is to be evaluated after the person sat on the cushion with the anatomical portion adjacent to the support contour, measuring the thickness of the putty-like substance at the hole; and evaluating the clearance by

comparing the measured thickness with the initial thickness in combination with the remaining limitations of the claims.

e. Claims 19, 34 and 44 - 47 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of enclosing the putty-like substance within a flexible plastic envelope prior to locating the clearance measurement device on the support contour at a predetermined location where the clearance is to be evaluated in combination with the remaining limitations of the claims.

f. Claims 20, 22 – 24 and 35 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of selecting the clearance measurement device to include a flexible envelope containing fluid, applying pressure to conduct the fluid from the envelope by sitting the person on the cushion with the envelope between the anatomical portion and the support contour', and evaluating the clearance at the predetermined location by determining amount of fluid remaining in the envelope after the person has been sitting on the cushion with the anatomical portion adjacent the support contour while the clearance measurement device was located at the predetermined location in combination with the remaining limitations of the claims.

g. Claims 2, 12, 21 and 25 - 29 are allowable over the Prior Art of Record because it fails to teach or suggest a method of evaluating clearance between a support contour of a seat cushion and an adjacent pelvic and proximal thigh anatomical portion of a person sitting on the cushion, comprising the step of performing the aforesaid locating, sitting and evaluating steps with a cushion having a second support contour to obtain a second clearance from the second support contour at substantially the same predetermined location that the first clearance was obtained from the first support contour, and selecting one of the first or second support contours by evaluating the first and second clearances relative to one another in combination with the remaining limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (571)272 -2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yaritza Guadalupe McCall
Patent Examiner
Art Unit 2859
August 16, 2005



CHRISTOPHER W. FULTON
PRIMARY EXAMINER